

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DWAYNE J. MIDDLETON,

Plaintiff,

v.

**C/O BERKLEY,
et al.,**

Defendants.

No. 17-cv-0547-DRH

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Dwayne J. Middleton brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. According to the complaint, defendants have been deliberately indifferent to plaintiff's serious medical condition. Specifically, plaintiff contends he suffers from Tourette's syndrome, a neurological disease which interferes with his ability to control his body. Plaintiff contends he has been denied medication for his condition and, as a result, has suffered several injuries because he is unable to control his body. On May 25, 2017, the Court conducted its preliminary review of the complaint, referred the matter to Magistrate Judge Stephen C. Williams, and construed the complaint as containing a request for preliminary injunction (Doc. 4).

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Stephen C. Williams submitted a Report and Recommendation ("the Report") on June 13, 2017 (Doc.

23). The Report recommends that the Court deny Middleton's motion for preliminary injunction because the defendants had begun medicating the plaintiff for Tourette's syndrome rendering the case without a controversy. The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" on or before June 30, 2017 of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (Doc. 23). The Court **DENIES** Middleton's motion for preliminary injunction (Doc. 5) for the reasons given in the Report and Recommendation.

IT IS SO ORDERED.

Signed this 5th day of July, 2017.

David R. Herndon



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David R. Herndon
Date: 2017.07.05
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United States District Judge